IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 691 of 2006

Satish Rikhari S/o Late Sri Shankan Dutt Rikhari
R/o Narmada B-28
Anushakti Nagar
Mumbai – 400094 .....Applicant

Vs

1. State of Uttaranchal through
   Secretary, Ministry of Home Affairs
   Dehradun
2. Smt. Tara Rikhari
   D/o Sri P.B. Pant, Tada Road
   Lakhanpur, Ramnagar
   District Nainital ..... Opp. Parties

Sri R.S. Sammal, learned counsel for the applicant
Learned A.G.A. for the State.

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed by the petitioner with a prayer to modify the bail order passed by the Sessions Judge in Bail Application No. 232 of 2006 Satish Rakhari Vs. State under Sections 498-A I.P.C. and ¾ Dowry Prohibition Act and the presence of the applicant in every Lok Adalat be exempted.

2. Brief facts giving rise to this petition are that the opposite party No. 2 – Smt. Tara Rikhari lodged the First Information report against the petitioner who is the husband of opposite party No. 2 for the offence under Sections 498-A I.P.C. and ¾ Dowry Prohibition Act. The police investigated the matter and thereafter chargesheet was submitted against the petitioner. Thereafter, the petitioner obtained the bail from the Court of Sessions Judge, Nainital on 01.08.2006.

3. Heard Sri R.S. Sammal, learned counsel for the petitioner, learned A.G.A. for the State and perused the record.

4. Learned counsel for the petitioner has submitted before the Court that the Sessions Judge, Nainital while granting bail imposed condition on the applicant that he will remain present in every Lok Adalat held at District Nainital. Learned counsel for the petitioner has further submitted that this condition is very difficult to comply for the applicant to appear on every Lok Adalat as the petitioner is working at Mumbai and his employer does not permit him frequent leave.

5. In the aforesaid circumstance, the condition imposed by the Sessions Judge while granting bail is modified to the extent that the petitioner will attend the Lok Adalat for reconciliation. I also direct that the Trial Judge/Magistrate before whom the matter is pending will fix a date for reconciliation of the matter and inform the parties accordingly.

6. The petitioner shall have to attend the reconciliation proceeding on the date fixed. In case, if the petitioner fails to attend the reconciliation proceeding on the date fixed by the Trial Judge/ Magistrate, the complainant/State will have a right to move the application for cancellation of the bail.

7. With the aforesaid observation, the petition is disposed of finally.

(B.C. Kandpal, J.)

24.08.2006
ASWAL